

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: ARIES FIRE PROTECTION, INC.,

:  
: Plaintiff,

:  
: -v- : 21-CV-6252 (JMF)

: TUTOR PERINI/PARSONS JOINT VENTURE, J.V. et  
: al.,

:  
: Defendants.  
: X  
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ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff Aries Fire Protection, Inc. brings this action against Defendants Grimshaw Architects, P.C., STV Incorporated, Tutor Perini Corporation, Parsons Transportation Group, Inc., and Tutor Perini/Parsons, J.V., invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship. *See* 28 U.S.C. § 1332. Plaintiff alleges that “Aries and Tudor/Parsons, including its members, are citizens of different states.” *See* ECF No. 4 (“Complaint”) ¶ 7.


It is well established that a corporation — including a professional corporation — “is deemed to be a citizen of *both* the state of its incorporation *and* the state where it has its principal place of business,” *Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. v. Dupont*, 565 F.3d 56, 59 (2d Cir. 2009) (emphases added) (citing 28 U.S.C. § 1332(c)), and that “the citizenship of a joint venture is the citizenship of each of its members,” *Schiavone Const. Co. v. City of New York*, 99 F.3d 546, 548 (2d Cir. 1996). Thus, a complaint premised upon diversity of citizenship must allege the state of incorporation and principal place of business of each party that is a corporation. In the present case, the Complaint fails to do so. In addition, it alleges that

Defendant Tutor Perini/Parsons, J.V. is a joint venture “comprised of” the other Defendants, Complaint ¶ 6, but it is not clear whether Tutor Perini/Parsons, J.V. is comprised *solely* of these members and, if not, the citizenship of its other members.

Accordingly, it is hereby ORDERED that, on or before **August 6, 2021**, Plaintiff shall amend its Complaint to allege the state of incorporation and principal place of business of each party that is a corporation, as well as each constituent person or entity comprising Defendant Tutor Perini/Parsons, J.V. and their states of citizenship. If, by that date, Plaintiff is unable to amend the Complaint to truthfully allege complete diversity of citizenship, then the Complaint will be dismissed for lack of subject matter jurisdiction without further notice to either party.

SO ORDERED.

Dated: July 23, 2021  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge